

# **AN EMPIRICAL STUDY OF THE FACTORS RESPONSIBLE FOR THE HIGH PREVALENCE OF VIDEO FILM PIRACY IN NIGERIA**

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## **Abstract**

Recent studies have shown that the trend of video piracy in Nigeria has been very high and quite worrisome. Most of the studies however were conducted by foreign scholars and organizations, thus findings of such studies have been criticized to be biased, politicized and inexhaustive. The NCC (2008) study has been the only known study yet on copyright piracy from an insider's perspective. However, the study has also been criticized as being too broad as it surveyed the piracy of many copyrighted products and not specifically focused on video piracy and hence not quite exhaustive on video piracy. Besides, the NCC study was conducted by a government video regulatory agency and sponsored by another foreign donor agency, the Ford foundation, UK, hence the need for an independent scholarly, Nigerian-oriented or "Nigerian perspective" study to empirically investigate the factors responsible for the high prevalence of video piracy in Nigeria. Logically therefore, the objective of this study was to investigate the factors responsible for the high prevalence of video piracy in the Nigerian society. The qualitative research design was adopted for the study which includes; the use of case study approach focused on Lagos, the Nigerian largest mega-city; the triangulation of in-depth interview, focus group discussion as well as document analysis of the data collection. A triangulation of the interpretive and critical analytical methods was also adopted for the data analysis. The findings of this study reveal twelve different factors as being responsible for the high prevalence of video piracy in the Nigerian society. The significance of this study lies in its update of knowledge on video piracy discourse and videography; its provision of empirical evidence for the government to mirror itself and understand its lapses in relation to the video piracy problem and the entire Nigerian video

industry; provision of valuable evidence which engenders the government to take appropriate redemption steps towards eradicating video piracy; serves the benefit of teaching and increasing the security consciousness of Nigerian business entrepreneurs and video investors; and finally, this study further engenders the need for increased awareness campaign among the public and the need for a change of strategies on video production and marketing as well as on awareness campaigns on video piracy, thus paving way for better results in anti-piracy drives.

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**Keywords:** Video piracy Causes, videography, Nigerian Copyright Commission, Nigerian video industry

### **Introduction**

The findings of an earlier study by these researchers on the trend and pattern of video piracy which revealed that, the rate of video piracy in Nigeria is alarming, dangerous and as well associated with some other forms of criminality engendered the necessity to investigate the factors responsible for the high prevalence of video piracy in Nigeria, with a view to finding solutions to resolve the problem and challenges of video piracy in the Nigerian society. Globally, the trend and causes of copyright and video piracy have been closely associated with the history and developments in information and communication technologies, particularly, the new multimedia and internet technologies. At one time in the publishing world, it was the problem of book and publication piracy up till to date. At another time, it was musical piracy up till date. Soon afterwards it came to the era of film piracy and now today the era of video piracy which, according to several studies, now constitutes socioeconomic nuisance and threats globally.

Previous studies at the global level have identified some factors as being responsible for video piracy. The factors include; the organized nature and network of the piracy infrastructure, economic drive and criminal tendencies of pirates, use of sophisticated technology by pirates, weak copyright regulations, poverty and enthusiasm for the defense and exercise of absolute freedom of information technologies (IIPA, 2009, 301 report, NCC, 2008 & Lessig, 2004). However, in view of the foreign nature and elements, as well as the perceived non exhaustiveness of the video piracy studies within the Nigerian context, this study is considered necessary and significant as it is a deeply rooted and comprehensive investigation of the factors responsible for the high prevalence of video piracy in the Nigerian environment.

### **Problem Statement**

Most of the early studies on video piracy in Nigeria, apart from being conducted by foreign entities have not been quite exhaustive. Similarly, only little attention has been paid to the factors responsible for high prevalence of video piracy in Nigeria in previous studies, hence, the need for an independent study by Nigerian scholars to investigate the factors responsible for the high prevalence of video piracy.

### **Research Question**

Based on the study's problem statement, as stated, a reasonable and logical research question posed by these researchers was "what are the causes and factors responsible for the high prevalence of video piracy in Nigeria". Thus, the main objective of this study was, "to empirically investigate the factors responsible for the high prevalence of video piracy in Nigeria".

### **Literature Review**

A general survey and analyses of the literature on the video piracy discourse revealed that, several factors have been responsible for the high prevalence of video piracy across the globe including Nigeria. These factors include: rapid and continuous emergence and adoption of sophisticated new information and communication technology (Entertainment Software Association [ESA], 2005; IIPA 2009); organized nature of piracy infrastructure and network (IIPA, 2009); weak copyright legislations (Chen, 2003; IIPA, 2009); piracy's inherent ability for the provision of cheap funds for terrorism activities (Treverton, et al., 2009); the strive for absolute freedom in the use of new information technology (Lessig, 2004); trivialization of the destructive tendencies and negative effects of video piracy by youths and students (Mason, 2009; Uzelac, 2008); as well as the betrayal and negative attitudes of insiders in the video producing organizations.

One notable factor that has been responsible for the high prevalence of video piracy in recent times is the rapid emergence and adoption of new digital information technology, particularly the internet and its file sharing technology. The internet is a global revolutionary network that permits and creates opportunities for any digital entity to connect and exchange information with any other digital entities for common shared benefits.

IIPA (2009) also stated that, "piracy has worsened in Nigeria due to the use of highly sophisticated technology by pirates to counterfeit expensive software program packages and also for hacking and cracking protected software" (para. 1). The report also noted that, "pirates have advanced, counterfeiting sophisticated and expensive software packages that include hacks and cracks to authenticate the products on users' machines" (IIPA, 2009, 301, para.1).

(Entertainment Software Association [ESA], (2005) further observed that the emergence and the introduction of the CD and DVD burners in the consumer- grade PCs, has caused the rate of piracy to grow higher in an embarrassing manner in countries like India, a world leading nation in video- film production at 86 percent of its total market; in Brazil at 74 percent and Saudi Arabia at 68 percent (Winegarner, 2005). Some analysts also argued that the increase in online piracy, facilitated speedily by the digital technologies, have also forced the entertainment industries, particularly a section of the music industry to re-evaluate and re-innovate its market and its market strategies. A good example is the apple I-tunes digital musical marketing strategy (Technology report, 2004).

Isikaku, the president of the Film & Video Producers and Marketers Association of Nigeria also argued that, the advent of digital technology has really worsened the piracy situation in Nigeria because new technology is being used to compress so many films into one single DVD disc and sold off at ridiculous prices by the pirates. Thus, the trend of development in digital technology has also been considered by the anti-piracy movement to have worsened the problem of video piracy globally (CNN, 2009).

On the factor of the organized nature of piracy infrastructure and network, Mike Ellis, the MPAA's Senior Vice President of the Asia Pacific Region argued that, the various global raids particularly in Nigeria and China, revealed the global and organized nature and network of optical video disc piracy (IIPA, 2009). Treverton, et al., (2009) in the Randy Corporation study also reported that piracy and counterfeiting of other products have been providing cheap funds for financing the activities of terrorist groups across the globe, thus, showing the strength of the video piracy infrastructure globally. Treverton, et al. (2009) further noted that, in some countries, the pirates' influence extends to law enforcement and political leaders, who are paid huge amount as bribes, intimidated or induced to create what is referred to as protected space where crime flourishes and for them to operate with little or no hindrance

From another perspective, the protagonists of absolute free media have denied the destructive tendencies of piracy to video investments and trivialized the claims of huge losses and pains of producers and copyright owners. This set of free media vanguards is usually bent on taking copyrighted works for personal and commercial benefits, without minding the consequences and on who whatsoever. Green (2009), the technical director of Frank & Jonny, a U.S based technology firm argued that, "what some people regard as piracy is just mere natural temptation, contending that, "if one picks up a buzz around the theatrical of a film that

is not available in one's territory for several months, the natural temptation is just to nip it online and download it" (para. 19).

Lobato, (2007) argued on his part that "we might imagine the sub-cinematic infrastructure of piracy as an alternative distribution network rather than a nefarious criminal network" (13: p.119). Although, Lobato acknowledged that, piracy is oblivious to market regulation, copyright law, and taxes, he still however contended that, "Piracy is extremely good at moving texts from place to place with speed and efficiency" (p.119). Mason (2009) also contended that, pirates constitute an essential part of the capitalist system and that; it's fair to say that, online video pirates will always be around for their share of the capitalist profit-cake. He argued further that, "they are a vital part of a healthy capitalist system and we need free market extremists at the edges of the market and government" (para.4).

Larkin, (2004) further stated that, "media piracy is part of the organizational architecture, providing the infrastructure that allows legitimate media goods to circulate" (Larkin, 2004, para.1). Larkin cautioned that, it is "dangerous to reduce piracy to legal question alone without "seeing through" the phenomenon itself or engaging it in comprehensive and critical analyses" (para. 2). Larkin further argued that, piracy is not simply parasitic, but generative, it doesn't simply corrupts, but builds and that it is not merely a neutral conduit of cultural products traffic, but a mediating force.

Finally, in recent times in Nigeria, the rate of video piracy has been observed by the operatives of the video industry and analysts from outside the industry to be very high and alarming, despite the prevalence of some legal provisions prohibiting piracy in the country. Thus, this situation suggests that the operational copyright laws in Nigeria are either weak or poorly enforced (IIPA, 2009).

### **Theoretical Framework**

This study was situated within the theoretical framework of the diffusion of innovation theory. The theory of Diffusion of innovation (DOI) is popularly associated with Everett Rogers (1930-2004). The theory states that, innovations (positive and negative ideas, skills, practice, object or information perceived as new ) are usually diffused through a process involving communication channels (interpersonal or mass media) over a particular time among members of the common social system. The main theoretical postulation according to Rogers is that, over a period of time, certain social system, such as norms and cultural values can affect or influence an individual's or groups' attitude towards the adoption or use of an innovation, diffused or communicated through interpersonal and mass communication channels. The adoption of different piracy strategies by copyright piracy

syndicates to survive and continue to escape prosecution, makes the diffusion of innovation theory pertinent to the subject matter of this study.

### **Methodology**

This study adopted the qualitative design which also involved the use of case study. The case study focused on Lagos State which is the largest mega-city not only in Nigeria but West Africa. A triangulation of data collection methods was also adopted and this involved the in-depth interview, focus group discussion and the document analysis. Similarly, a triangulation of the interpretive and critical analytical methods was adopted in the presentation of relevant data and interpretation of the study's findings. The Judgment or open sampling method was adopted for the collection of data from respondents from various segments of the Nigerian video industry and the society which include; movie stars, video producers, marketers, regulatory agencies, professional associations, law enforcement agents and video fans. A total of 59 respondents were involved in the in-depth interviews and focus group discussions during the data collection exercise, while several relevant documents were analyzed and used as complimentary to the interviews and discussions. The the units of analysis for the study were rooted in the subject matter addressed in the study's research question. Hence, the adopted units of analysis were; "Causes and factors for high prevalence of video piracy".

### **Procedures for Data Analysis**

Miles and Huberman (1984) identified three crucial stages in qualitative data analysis namely, data reduction, data display and conclusion drawing from data. Knafl & Webster, (1998) also argued that, data should be selected, simplified, abstracted and equally transformed into manageable and meaningful form based on the respondent participants' direct narrative accounts. The researchers adopted the above highlighted guiding principles and techniques recommended by scholars, towards achieving effective, systematic and result oriented data analysis. The systematic steps undertaken for the analysis include:

- Compilation of all field notes taken during the series of in-depth and focus group interviews into a logically coherent write-up with distinctive indication of their sources, individual designations or group identification and dates.
- Transcription of all the interviews (in-depth and focus groups) including the verbal exchanges and respondents' or participants narrations.
- Proofreading and comparison of the transcribed versions of interviews with the raw audio-visual versions, through simultaneous listening, watching and reading, and effected necessary corrections on the transcribed versions altogether.

- Identification and selection and grouping of the themes and issues that provided insight or answers to the research question of the study through the transcribed text of the interviews.
- Adoption of a specially designed coding system or a classification format to organize all identified themes and issues arising from the field and contained in the collected data.
- Systematic examination, analysis and interpretation of the specially coded and organized themes and issues within the context of the theoretical framework for the study. This provided relevant and functional answers to the research questions of the study and as well to meet the set objectives of the study. This step is in line with the views of Knafl and Howard (cited in Sukandar, 2007) who argued that, researchers while analyzing data should “present and discuss specific results in the context of their theoretical relevance and demonstrate how conceptual formulations are grounded in the data” (p.105).
- The conclusion drawing stage which involved the inference and deduction of meanings from the themes and facts contained in the organized data, using the interpretive and critical analytical methods and the subsequent presentation of the findings of this study on the video piracy question.

### **Data Presentation and Analysis**

This section focuses on the systematic presentation of the data collected for this research, as well as the simultaneous analysis of the data. The presentation and analysis of the data also kept the units of analysis in focus, within the context of the theoretical framework of this study. A specially designed coding system was adopted to refer to the source participant-respondents from whom the data for this research were collected. In the coding of the data, pseudo names were used along with special abbreviations for all the categories of respondents for security reasons. The key to the coding and reference includes; **(EA)** = Enforcement Agents, **(GV)** = Government Officials, **(MK)** = Marketers **(MS)** = Movie Stars, **(PA)** = Professional Associations **(RG)** = Regulators **(FM)** = Fan Members and **(DE)** = Discourse Extract.

A number of factors emerged from the data collected for this research, as the factors responsible for the prevalence of video piracy in Lagos. The data presentation and analysis are logically categorized for the purpose of clarity and easy comprehension. Thus, all the factors have been classified into four categories. This classification is reasonably in line with the practice in qualitative research, which allows the use of typology for the purpose of being

systematic, achieving clarity and better understanding. Scholars have argued that, typology which refers to a classification system for themes, patterns and group of data arising from the mainstream of collected data is highly valuable, strengthens and supports the systematic nature of qualitative research (Lofland, 1995 & Patton, 2001).

Category one focused on the pirate gangs. It revealed the reasons why people get involved in piracy and the nature of pirates' attitude; category two focused on the general attitude and disposition of the core operatives of the Nigerian video industry. Category three focused on the perception and attitude of the government towards the video industry, while category four focused on the culture of corruption among the law enforcement agents as well as the problem of public awareness on video piracy.

### **Category One: Focusing on Reasons for Piracy and Desperation of Pirates**

The highlight of the first category of factors which essentially focused on the pirate gangs includes the following;

- Economic factors, such as the urge to make quick money, greed and harsh economic condition of the country characterized by high rates of poverty constitute the main reason for people's indulgence in piracy (PA. Official, Personal Communication, September 18, 2012; MK. Chukwu, Personal Communication, October 6, 2012);
- Desperation and the criminally inclined attitude of the pirates to protect their operations at all cost (PR. Abbey, Personal Communication, July 24, 2012; MK. Mike, Personal Communication, September 9, 2012).

Respondents and documentary evidences confirmed that, the main reason why people are into piracy is economic. A group of respondents during the focus group discussions argued that, it is the urge to make quick money that pushes people into video piracy. Some others attributed it to greed, while another set of respondents and analysts attributed the prevalence of video piracy to the bad economic situation of the country characterized by the high rate of unemployment and poverty.

Evidences abound to support this economic factor dimension. A prominent respondent who is the State chairman of the Video Rentals Owners Association of Nigeria (VROAN) stated that, "pirates are in business to make cheap money without sweat or nor any sort of investments in the film industry, nor the payment of tax to the government" (PA. Official, Personal Communication, September 18, 2012). Another respondent, a chief executive of a Lagos-based video marketing company stated that, "those pirate guys are desperate to make big money where they didn't invest, their operation is no child's play, they



are making cheap naira and dollars at our expense” (MK. Chukwu, Personal Communication, October 6, 2012).

Most of the respondents further made some astonishing comments about the attitude and disposition of the video pirates in their operations. The pirates were described as “desperate and highly criminally-minded who are usually prepared to fight, maim and kill to protect their operations” (PR. Abbey, Personal Communication, September 24, 2012). These were the words of a prominent video producer, PR. Abbey, during a focus group discussion when recalling his eye witness account in one of the anti-piracy raids in Lagos. Another respondent, a video marketing chief executive officer, MK. Mike, attested to the attitude of the pirates when he stated that “the video pirates seems to have so much money to fight their course and equally well connected locally and internationally, so they easily get away whenever they are caught” (MK. Mike, Personal Communication, October 9, 2012).

The analysis of the first category of factors involving the pirates and their economic reasons for engaging in video piracy as well as their observed desperate and criminal operational disposition will be undertaken within the context of the mainstream of video piracy discourse in the literature. Lawrence Lessig (2004), a popular free media activist and the author of the published “free Culture” book, argued against the opportunistic ideas of some people, such as the economic reasons being advanced and canvassed for indulgence in piracy.

Lessig (2004) argued that, the unauthorized taking and copying of others creative works within commercial context is an offensive commercial piracy, which is wrong and highly condemnable despite many justifications offered in its defense. He stressed that piracy should not be condoned in any society and that the law should put an end to it.

Lessig (2004) further stressed that, “a society or culture without property or in which artists and producers cannot get paid, is equal to anarchy and not freedom” (Lessig, 2004, p. 29). The import and linkage of Lessig’s observation of the piracy phenomenon shows not only how the deprivation of video producers and right owners their legitimate profits over their investments could possibly lead to an individual’s and a nation’s economic degradation and setbacks, but also shows how such a phenomenon is capable of leading to anarchy and political insecurity of a densely populated state like Lagos and in Nigeria. Hence, the need for an urgent and more serious attention on the part of the stakeholders and particularly the constituted authority to be resolved to combat the social, economic and political, the menace of the video piracy phenomenon.

Furthermore, the implication of the observed highly desperate and criminally inclined disposition of the video pirates to protect their operations and interests clearly gives an insight into the extent to which the concerned regulatory agencies and the government have to get serious and be prepared to combat the piracy network and infrastructure. Their combat strategies against piracy must not only be comprehensive and solid, but also backed with a reasonable level of financing, formulation of strictly deterring laws, as well as effective law enforcement and probably, where and when necessary, armed enforcement.

As a matter of fact, since pirates' operational level has reached the frightening stage of arms usage, it may equally be reasonable to advocate that, piracy should equally be treated as cases of armed robbery. This is because video piracy has become not only a seriously offensive crime to the citizenry, but also particularly a crime against the state.

### **Category Two: Focusing on the Attitude of Core Operatives of the Video Industry**

The second category of factors that accounts for the high prevalence of video piracy relates to the core operatives of the video film industry, such as actors, producers and marketers. Among the factors that were found to be responsible for the prevalence of piracy directly or indirectly according to respondents include the following seven factors;

1. Poor monitoring of the video production and reproduction processes by producers and marketers (PR. Otitto, Personal Communication, August 12, 2012);
2. Internal sabotage in some video production plants and among Marketers (MK. Egbon, Personal Communication, October 12, 2012);
3. Lack of solid and formal professional operational structures in the video film industry, particularly in relation to the distribution and marketing of video films (PA. Oloye, Personal Communication, September 14, 2012; James 2007, p. 143-45);
4. Industrial instability and in-fighting among core operative stakeholders like actors, producers, marketers and rental outlet owners which prevents them from organizing a common front to fight piracy effectively (NNC report, 2008, p. 2)
5. Poor financial and technological capacity of right owners, producers and marketers to protect their creative video works (NNC report, 2008, p. 2);
6. Un-cooperative and hostile attitude of right owners; producer and marketers towards the regulatory bodies like the Nigerian Video and Films Census Board (NVFCB) and the NCC (NCC report, 2008, p.2 & 51);

7. Scarcity of non-availability of original video films offered for sales in remote and far distant places.

There are evidences for the above highlighted findings from the collected data. On the issue of poor monitoring of production processes, when a prominent producer, PR. Otito, was asked about the protocols involved in production of copies for sale, he stated that:

You know, we reproduce copies from our master copy by giving it to the reproduction plants specifying the number of copies needed for the company. Then we go for the collection on the particular date specified for the collection. You know we do not have much control on the activities of these producing companies, although we use to enter into a contract agreement with them, but then who knows what goes on behind the veil (PR. Otito, Personal Communication, August 3, 2012).

On the question of internal sabotage, a manager of a video marketing company PR. Egbon, during an interview stated that:

The rate and speed at which pirated copies of video works are released these days is terrible, just the second or third day these pirate hawkers are on the streets. This development suggests internal sabotage from either the reproduction or marketing company (MK. Egbon, Personal Communication, October 12, 2012).

A Nigerian video fan member who commented on the distribution problem of the Nigerian video stated that:

One of the problems I have observed that contributes to video piracy is that, the video distribution system is not well organized and expansive enough to reach the suburbs. This therefore creates a vacuum which the pirates readily take undue advantage of to sell pirated video copies (FM. Oloye, Personal Communication, December 12, 2012).

A critical analytical appraisal of the above highlighted eight point observations by respondents and insight from document analysis reveal that, a significant portion of the blame for the high prevalence of video piracy in Lagos would justly be shared by these operatives. One may want to ask that, to what extent has the core operatives mentioned above actually help themselves against the onslaught of the pirates in the circumstance and context of the various observations, and allegations highlighted above in the collected data?

The activities of some of the core operatives of the video industry within the context of keen competition and deadly rivalry with the video piracy cult and sophisticated infrastructure greatly endanger the interests and products (videos) of these stakeholders and make them vulnerable. It is like opening the door to one's treasures in a room, for thieves to cart them away. Obviously, in this circumstance, a very high level of seriousness and commitment is expected of the core operatives in the video industry, first towards the protection of their creative works from the point of the initial production point until it gets to the desired legitimate consumers. NCC (2009) corroborates this view, when it remarked that, "right owners tend to be oblivious of the fact that copyright is a proprietary and private right which they, as the right owners, have a major stake in its enforcement" (NCC, report 2009, p. 60).

Judging from the scenario on ground in Lagos in particular, and Nigeria in general, these researchers are inclined to argue that, the much expected high level of anti-piracy activism from the operatives is rather low compared to the rate, pace and sophistication of anti-piracy activism and push in other leading film producing nations like India and particularly the United States of America, (U.S.A). Although, some other people might argue that, India and the U.S.A have a comparative advantage in antipiracy activism in terms of long political history and age of the industry, technological advancement and higher financial capacity of big corporations involved, particularly in the (U.S.A).

But, then it is believed that, much could still be achieved than what it is presently, particularly if there is a change of attitude positively on the part of the operatives, who presently and mostly put all the blame of video piracy on the government and her agencies. It is believed that, when there is a powerful will on the part of the operatives of the industry, there will always be a way out of this problem of video piracy.

### **Category Three: Focusing on the Attitude of Government and its Agencies Towards the Nigeria Video Industry**

The third category of the factors that engender the high prevalence of piracy in Lagos state concerns the government and its regulatory and enforcement agencies. The grounds on which respondents and analysts accused the government and its agencies for the high prevalence of video piracy include;

- The provision and operation of weak copyright anti-piracy laws and legal framework which does not adequately address the contemporary challenges of video piracy (NCC report, p. 1-2; NCC perspectives, 2009, 60-61 & 69);

- The poor enforcement of existing anti- piracy laws and low operational capacity of the Nigerian Copyright Commission NCC as the agency responsible for the administration and control of copyrights. The capacity of the NCC is quite low and cannot match the challenges posed by the piracy infrastructure in Nigeria and particularly in Lagos (NCC perspectives, 2009, p. 60 61);
- The problem of the slow pace of the judicial system (PR. Ade, Personal Communication, August 6, 2012; NCC report, 2009, p. 61).
- The issue of socioeconomic neglect by the government (NCC report, 2008, p. 30-31).
- The non-realization and absence of serious and holistic attention of the government on the Nigerian video industry (NCC report, 2008. p.30; NCC perspectives, 2009, p. 68; Kila, 2012, para. 2; PA. Ope, Personal Communication, August 16, 2011).

The issue of the operation of weak copyright laws and anti-piracy legal frameworks as well as the problem of poor implementation and execution of existing copyright laws calls for serious concern on the part of the government and stakeholders in the Nigeria video industry. The essence of this call is evident in the sincere and visionary declaration of the Nigerian Copyright Commission (NCC) which is the sole government agency charged with the administration, execution, monitoring and enforcement of copyright laws in Nigeria when it admits and confirms the weakness and inadequacies of the Nigerian Copyright laws in its operational report published (2009). The report states specifically that, the commission (NCC) needs “adequate and effective legislations to enhance the protection of creative rights and the commission’s performances” (NCC perspectives, 2009, p. 68).Some of the areas in which reform is canvassed and most needed include;

- The provision for more stringent and deterring penalties for piracy to the point of making it a treasonable offense, just as it is the case in the (U.S.A);
- The provision of penalties for persons who collaborate with pirates whether from amongst the video production and marketing organizations, as well as buyers of pirated products, as it is the case in Malaysia, where buyers or any person in the custody of pirated products is fined.

The issue of enforcement is crucial and was pointed out by respondents and analysts in the documented data collected. No matter how good or better a set of laws is, such laws will be of no use or make any meaningful impact without effective implementation and

enforcement. Hence, the need for a serious attention to the enforcement capacity of the relevant government agencies particularly, the NCC, that is charged with administration and enforcement of copyright laws in Nigeria. Presently, the capacity of the NCC is reportedly quite low. Although, the commission has been reportedly been active and making a remarkable impact in the last few years, particularly with its commitment to the implementation of its Strategic Action Against Piracy (STRAP) program which it launched in 2005 and still in action till date (2012).

STRAP is a collective action plan involving both the public and private sector, particularly the regulatory agencies, right owners as well as several enforcement agencies collaborating to address the challenges of piracy from all fronts. Notwithstanding, the impact and achievements of the STRAP program, the NCC's operational capacity urgently needs to be boosted to achieve optimum and effective enforcement of copyright laws.

The NCC's capacity boosting is most required in the areas of; arms carriage and usage by NCC enforcement officers, just as it is the case with some other special Nigerian regulatory and enforcement agencies, like the National Drugs Administration and Law Enforcement Agency (NDLEA) and the Economic and Financial Crimes Commission (EFCC); funding; staff strength and human resource development especially in highly specialized regulatory and technical areas; research and enforcement areas, as well as in public communication for effective public awareness (NCC Report, 2009).

Respondents also noted the problem of the slow pace of the judicial system in dispensing cases of video piracy as part of the crucial factors engendering the prevalence of video piracy. One producer respondent, PR. Ade, a popular producer "angrily" commented that, "look the judiciary is not helping matters at all, the prosecutions of arrested pirates take too much long time and you know that justice delayed is justice denied" (PR. Ade, Personal Communication, August 6, 2012). Evidence from the report on enforcement activities of the Nigerian Copyright Commission (NCC) covering a period of two years (May, 2005 - May, 2007) further corroborated the factor of slow operation of the judiciary system. Between, 2005 and 2007 when 377 suspects were arrested, only 4 pirates were tried and convicted (NCC report, 2008, p. 30-31).

There is also the need for an urgent attention and reform in the judicial system as it relates to the dispensation of copyright related cases. The essence of this judicial reform is evident in the remark made by the NCC on their challenges on prosecution when it stated that:

The bottleneck in the prosecution of copyright infringement is linked to such reasons as the restriction of original jurisdiction to federal High Courts, the court's slow pace of adjudication and the problem of inadequate judicial capacity for effective handling of copyright and intellectual property (IP) issues, as well as lack of awareness of copyright and (IP) matters among most judges and legal practitioners (NCC report, 2009, p.61).

It is strongly believed that, urgent reforms in respect of the copyright laws, as well as in the associated judicial system will, to a large extent, curb the incidence of video piracy as most people are likely to get off the piracy business, particularly when necessary laws and judicial reforms are ensured and backed with effective enforcement.

The issue of socioeconomic neglect by the government which has consequently led to widespread poverty, high rate of unemployment and destitution among the active segment of the citizenry was noted by respondents. One of the fan members of the Nigerian video observed during an interview section that:

...Although I am not in support of people pirating copyrighted works, but somehow one might want to find an excuse for those who are engaged in this act. You see the fact the economy of the nation is bad with many people not employed and poverty spread all over might be responsible for why some are involved in this piracy thing (FM. Fini, Personal Communication, December 12, 2012).

Documentary evidences also show that, the harsh economic condition in the country had tempted and encouraged people to participate in video piracy particularly in selling and buying pirated video products (NCC report, 2008, p. 30-31). The issue of socioeconomic neglect by the government, with the consequent effects of high rates of unemployment, youth destitution and criminality must be urgently and seriously addressed by the government if other intervening steps are to be meaningful and successful. The prevailing harsh socioeconomic condition in the country might be tempting to lure the teeming poor and the unemployed particularly the youths, into a crime, for mere survival reasons.

This view and possibility may be justified within the context of the comments and analysis of Kila (2011) on the shaky state of the Nigerian nation that "I know more than a few respected development experts that will strongly argue that unemployment and threat to security are direct results of lack of basic services such as stable electricity, good road,

efficient healthcare, functional schools” (para.2). Kila further contended that “unemployment and issues with security are very closely linked to the lack of those basic social infrastructures and services” (Kila, 2011, para. 2).

The report of the NCC survey on copyright piracy in Nigeria corroborates the linkage between the prevailing poor socioeconomic condition and high prevalence of piracy when it states that; “economic reasons accounted for 75.0% of the causes of piracy as expressed by respondents” (NCC, 2008. p. 30). Thus, this could be justified, considering the high level of unemployment and the consequential high poverty rate in the country. There is usually a correlation between the economic development of a nation and the effective performance of key service sectors of the nation. This view is corroborated by the concluding remarks of the NCC special operations report on its achievements and challenges that:

If the laudable objectives of the present Nigerian development plan vision 2020 are to be fully realized, concerted efforts must be made towards prioritizing the development of the copyright-based industries in particular and intellectual property (IP) in general, while integrating them into the national economic planning and development agenda of government (NCC perspectives, 2009, p. 68).

The non-realization and absence of serious and holistic attention of the government on the Nigerian video industry as a potential treasure industry is another factor raised by respondents and analysts in documentary evidence for the prevalence of video piracy. PA. Ope, a lawyer and video film lover, argues that, "the pirates are having a field day in their notorious business because of the little or poor attention of the government to the industry. It is unfortunate that the government does not realize that it is losing so much in terms of big revenue and employment generation” (PA. Ope, Personal Communication, November 25, 2012).

The Nigerian government needs to take a departure from its usual fire brigade approach, and adopt a more holistic and functional approach, not only towards resolving the problem of video piracy, but importantly and practically adopting the video industry as a key sector capable of contributing significantly and rapidly to the growth of the Nigerian economy.



#### **Category Four: Focusing on the Culture of Official Corruption and Low Awareness of the Public on the Implications of Video Piracy**

The fourth category of factors responsible for the prevalence of video piracy concerns the Nigerian society as an entity with particular reference to;

- The emerging culture of official corruption, particularly among the law enforcement agents (PR. Obe, Personal Communication, August 9, 2012; PR Tinto, Personal Communication, August 12, 2012); and the
- Problem of low level of awareness of the public on the Implications of video piracy (NCC report, 2008, p. 23).

Concerning the emerging culture of corruption, most of the respondents reveal that, the pirates usually bribe the law enforcement agents to escape the punishment of the law. A respondent, PR, Obe, a popular film producer in Lagos and whose series of films were pirated comments that:

After I reported the case of films being pirated to the regulatory agency, I was informed through a telephone call that, three loads of lorries of pirated video film were raided in Alaba market, but no arrest of the culprits was made. No doubt, I believe that the pirates would have bribed their way out, because the story sounds unbelievable to me (PR. Obe, Personal Communication, August 9, 2012).

Another video producer, PR. Tinto, shared his experience of disappointment with the way some members of the Nigerian Police Force handled the case of video piracy reported to them. He states that,

My personal experience and encounter with the police was that, when I reported the case of my video edition that was pirated to the police, they were very much reluctant to effect the arrests of the pirate at the locations they were selling the pirated video work at Oshodi market. When they eventually arrested them, they were released some few hours later instead of charging them to the court of law. I learnt, that no sooner I left the police station, some senior members of the pirate gang came around to effect the release of their boys (PR Tinto, Personal Communication, August 12, 2012).

Another factor engendering the prevalence of video piracy at the societal level in Lagos, as observed by respondents, is the low level of public awareness about video piracy

and its associated ills and implications. This view of low level of awareness is corroborated by the report on copyright piracy survey conducted by the Nigerian Copyright Commission (NCC). The report states that:

Those who understood the phrase copyright piracy to mean the reproduction of copyright works without permission from the owner accounted for 47.70% of the sample population, while those who understood copyright piracy to mean producing copyrighted works without permission and for the purpose of financial gains accounted for 23.35%. This therefore shows that, notwithstanding the educational qualification of the respondents, their knowledge in terms of awareness of copyright piracy is still limited (NCC report, 2008, p. 23).

From the above presentation of the factors engendering the high prevalence of video piracy in Lagos, it is indeed evident that, the piracy phenomenon is a complex problem, considering the various factors encouraging its proliferation. This view is further corroborated by the remark of the Irish Recorded Music Association (IRMA) which states that, "piracy is a billion dollar problem" (IRMA, 2001 & 2006).

### **Discussion of Findings**

The set of findings on the causes and factors are twelve in number. The first of the 12 findings focused on;

- The highlight of economic factor as the main reason for the indulgence of people in video piracy (PA. Official, Personal Communication, November 18, 2011; MK. Chwukwu, Personal Communication, October 6, 2013).

This first finding on the factors responsible for the high prevalence of video piracy which emphasizes economic factor as the main reason for people's indulgence in video piracy clearly shows the extent which people could go under the guise of wanting to survive, particularly in situations like that of Nigeria with bad and harsh economic conditions. However, a critical analysis of the operations of the video pirates in Lagos suggests that, it is not the simple intent to survive that makes them indulge in this criminal act of video piracy, but rather, it is the horrible habitual sense of greed and lack of consideration for other people's interest that make them engage in this criminal act.

These researchers are convincingly inclined to argue that, if it is the simple intent and urge to survive that constitute a problem to the video pirates, they should have gone for other

available non-criminal activities like, petty trading and labor works in so many construction sites among other numerous job opportunities in Lagos. These researchers further contend that, it is the financial recklessness and the evil-driven urge and desperation of making quick money through dubious means that make some members of the society indulge in video piracy.

The importance and relevance of this finding is that, it affords other law abiding citizens who are engaged in business and production activities in Lagos the opportunity to learn and understand more about the Nigerian video business and economic environment. Specifically, the finding apart from making them aware of the ever presence of unscrupulous elements like the video pirates, it also teaches business entrepreneurs the lesson of vigilance and being protective of their products. In other words, this finding serves the benefit of teaching and increasing the security consciousness of business entrepreneurs and particularly, in this circumstance of the video copyright owners, producers and marketers, in the Nigerian video industry, and generally in the Nigerian business space.

Furthermore, the importance and relevance of this finding on the economic factor for people's indulgence in piracy is evident in the fact that, it affords the government to understand the extent of economic desperation and recklessness of some members of the society. This people do not in the least consider the interest and pains of other members of the society or the collective societal benefits or welfare while they engage in illegality and criminality like video piracy. Thus, this kind of awareness provided by this finding engenders and provides valuable evidence for the government to legislate and take other useful steps towards stopping this economic oppression by the pirate gangs, and thus protecting innocent video investors, the video industry, and the economy of the state and impliedly that of the entire nation.

Four other findings are related to the government and its agencies on the causes and factors responsible for video piracy and these include;

- The provision and operation of weak copyright laws and anti-piracy legal frameworks. These need urgent and comprehensive review to meet contemporary challenges (NCC report, p. 1-2; NCC perspectives, 2009, 60-61 & 69);
- Low and poor enforcement and operational capacity of the relevant copyright and government regulatory agencies, particularly the Nigerian Copyright Commission. This also needs urgent redemption (NCC perspectives, 2009, p. 60 61);

- The social neglect of the government particularly at the federal level with its chain of negative multiplier effects and the absence of serious and holistic attention of the government to the Nigerian video industry as a factor contributing to the high prevalence of video piracy in Lagos and across the nation (NCC report, 2008, p. 30-31).
- The much restricted access and slow process of the Nigerian judicial system in the dispensation of the video piracy cases contributes significantly to the prevalence of video piracy, particularly in Lagos and the nation at large (PR. Ade, Personal Communication, August 6, 2011; NCC report, 2009, p. 61).

The above highlighted four piece set of findings on the causes and factors responsible for high prevalence of video piracy is a clear and strong testimony to the negligent attitude of the Nigerian government to issues of strategic and meaningful development across all sectors of the Nigerian economy. As pointed out earlier in this study, Nigeria has been potentially endowed with abundant numerous resources to be a world leading nation and power in the comity of nations. But, unfortunately due to the habitual negligence and under-utilization of her numerous resources, coupled with wastage and poor management of successive governments, (military and civilian) her dream towards being a world leading nation has been a mirage and illusive.

All over the world, it is the responsibility of any nation's government to provide adequate and maximum security for the lives and property of the citizens. This also includes the duty to provide secured and conducive environment for business and productivity to thrive and for the nation's economy to grow maximally. But it is surprising that, the orientation and disposition of the government at various levels in Nigeria, has customarily often fell short of this noble and basic responsibility of government. This is usually to the detriment of the individual and collective growth and economic well-being of the citizenry and the nation.

The sixth finding of the causes and factors responsible for the prevalence of video piracy in Lagos directly relates to public and that is;

- The low level of the awareness level of the Nigerian public on the problem and implications of video piracy which contributes to the high prevalence of the video piracy phenomenon (NCC report, 2008, p.23; PR. Otito, Personal Communication, August 12, 2011)..

The importance and relevance of this finding on the level of awareness on video piracy is evident in the provision of very good opportunity for stakeholders and anti-piracy interest groups to be aware and understand the problem of most members of the public, which borders on ignorance or lack of awareness about the problem of video piracy, its associated ills and multiple negative effects. Perhaps, the lack of awareness on the part of the public about the problem of video piracy would have been partly responsible for the high level of patronage of pirated videos by the public.

Thus, if the level of awareness of the public is increased through concerted efforts of stakeholders in the Nigerian video industry, there is a very high possibility that the patronage for pirated videos is most likely to drop. Furthermore this may likely step down the rate of video piracy as well as its negative effects on the industry. Another relevance of the finding of low awareness is that it impliedly suggests the overhauling of the strategies being adopted presently in the public awareness campaigns and schemes by the stakeholders, and thus paving way for better results in the anti-piracy drives through the use of more effective means and strategies of communication.

Furthermore, there are six other findings on the causes and factors engendering video piracy that are related to the core operatives of the Nigerian video industry namely; copyright owners, video producers and marketers. These include;

- Poor monitoring of the video production and reproduction processes by producers and marketers (PR. Otito, Personal Communication, August 12, 2011);
- Internal sabotage within video production plants and among video Marketers (MK. Egbon, Personal Communication, October 12, 201);
- Lack of solid and formal professional operational structures in the Nigerian video industry, particularly in relation to the distribution and marketing of video films (PA. Oloye, Personal Communication, September 14, 2011; James 2007, p. 143-45);
- Industrial instability and in-fighting among core operative stakeholders like actors, producers, marketers and video rental outlet owners. These prevent them from organizing a common formidable and sustainable front to fight video piracy effectively (NNC report, 2008, p. 2;PA. Oloye, Personal Communication, September 14, 200);

- Poor financial and technological capacity of right owners, producers and marketers to protect their creative video works (NNC report, 2008, p. 2; PR. Otito, Personal Communication, August 12, 2011);
- Uncooperative and hostile attitude of right owners, producers and marketers towards the regulatory bodies like the Nigerian Video and Films Census Board (NVFCB) and the NCC (NNC report, 2008, p. 2 &51; PR. Otito, Personal Communication, August 12, 2011).

The implication of the six highlighted findings is that, there has not yet been a serious collective and firm authoritative decision, on the part of stakeholders in the industry and the government respectively to tackle the challenges and problems of video piracy. Hence, the urgent need for these stakeholders to change their strategies and attitude towards ensuring more effective protection of their video products. Another implication of these findings is that, the relevant governments regulatory and enforcement agencies must not only be active on the ground, but optimally empowered, effectively functional and efficient in their operations to protect the Nigerian video industry and the nation from the scourge of video piracy.

Generally, these researchers' analysis of all the findings on causes and factors responsible for video piracy in this research shows that half of the total causes and factors responsible for the high prevalence of video piracy, directly or indirectly are related to the operatives of the Nigerian video industry. Thus, the implication of these findings is that, for there to be any meaningful success in the fight against video piracy, the operatives must be ready first to change their attitude and be willing to take more responsibilities in the protection of their video productions and as well as in the struggle towards the eradication of video piracy.

### **Conclusion**

The foregoing investigation and exposition of the causes and factors responsible for the high prevalence of video piracy in the Nigerian society has been quite revealing. Nine of the highlighted findings on the causes and factors responsible for the high prevalence of video piracy in Lagos are consistent with the findings of the NCC (2008) study. Only three findings are new and unique from the findings of previous studies and these include;

- Low level of awareness of the Nigerian public on the problem and implications of video piracy (PR. Otito, Personal Communication, August 12, 2011);

- Poor monitoring of post-production and reproduction processes by producers and right owners (PR. Otito, Personal Communication, August 12, 2011);
- Internal sabotage within the video production organizations and plants, as well as among video marketers; as well as (MK. Egbon, Personal Communication, October 12, 2011);

The fact that some of the findings of this study are consistent with those of other studies, while some of the findings are uniquely new clearly shows the importance and relevance of this study. This study has, by its numerous findings, evidently contributed to the body of knowledge on video piracy, as it confirms the veracity of existing knowledge and simultaneously update knowledge of the video piracy phenomenon. Similarly, the findings of this study will constitute reliable evidence for policy reform and formulation towards solving the problems and challenges of video piracy and thus ensuring the growth of the Nigerian video industry, with a positive multiplier effect on the nation's economy.

Premised on the foregoing conclusion, these researchers therefore recommend the following as solutions towards resolving the problems and challenges of video piracy in Nigeria. These include reforming the copyright laws and legal framework; strengthening the regulatory agencies; updating enforcement strategies; initiating additional production strategies as well as adopting new functional collaborative strategies.

On the limitation of study, this research activity has been focused on the causes and factors responsible for the high prevalence of video piracy in the Nigerian society, with the adoption of the case study approach. The adoption of the case study approach might be viewed by some scholars as another point of limitation of this study, because all the participants in the research were drawn only from Lagos State and this might have probably denied some other prospective resourceful participants, from other parts of Nigeria the privilege of contributing their ideas which could also have further enriched the study and its findings, although, the respondents were selected across various segments of the Nigerian video industry. Similarly, some scholars might point out that, case study may not allow the generalization of the result to other situations. However, some scholars have argued that findings of case study research are reliable and valuable contributions to knowledge in their own right and such findings can be applied to similar cases or circumstances.

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